

± 97

Late Backup

Zoning Case No. C14-06-0144-0152

RESTRICTIVE COVENANT

OWNER RANCHO ALTO VENTURES, LTD
a Texas limited partnership

ADDRESS 1401 Burnham Dr , Plano, Texas 75093

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY A 70 249 acre tract of land, more or less, consisting of certain lots in the Rancho Alto Subdivision, and a certain parcel of land out of the Walker Wilson Survey No 2, Travis County, Texas, the tract of land being more particularly described in Exhibit "A" incorporated into this covenant

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions,

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns

- 1 A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the "TIA") prepared by Alliance Transportation Group, dated March 2006, or as amended by the Owner and approved by the Director of the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated January 31, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department, or its successor department, of the City of Austin.
- 2 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- 3 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

- 4 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

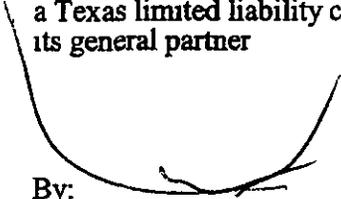
EXECUTED this the 29th day of January, 2008

OWNER:

**RANCHO ALTO VENTURES, LTD.,
a Texas limited partnership**

By. **Intermandeco, Ltd.,
a Texas limited partnership,
its general partner**

By **Intermandeco GP, LLC,
a Texas limited liability company,
its general partner**

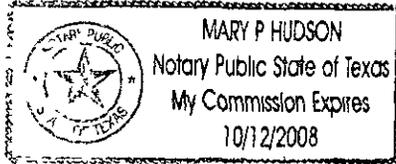
By: 
Issam Karanouh, Manager

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF Collin §

This instrument was acknowledged before me on this the 29th day of January, 2008, by Issam Karanouh, as Manager of Intermandeco GP, LLC, a Texas limited liability company, General Partner of Intermandeco, Ltd., a Texas limited partnership, General Partner of Rancho Alto Ventures, Ltd., a Texas limited partnership, on behalf of the limited liability company, and the limited partnerships.



Mary P Hudson
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

EXHIBIT "A"
DESCRIPTION OF PROPERTY FOR RESTRICTIVE COVENANT
RANCHO ALTO SUBDIVISION

Zoning Case C14-06-0144	SE corner of Fiate Barker Rd and Rancho Alto Rd Tract One Rancho Alto Ph II, Doc #200600281, Lots 2-23, Blk B, Lots 2-23, Blk C, and Lots 1-5, Blk E, Rancho Alto Phase III, Doc #200800015, Tract Two 2 42 ac Walker Wilson Sur 2 (see Exh A-1)
Zoning Case #C14-06-0145	12200-12222 Rancho Alto Rd Lot 1-34, Blk H, Lots 1-23, Blk I, Rancho Alto Ph III, Doc #200800015
Zoning Case #C14-06-0146	1900-1920 Ralph Cox Rd , 11800-11916 Dave Silk Dr Lots 26-41, Blk A, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0147	1701-1805 O'Callahan Dr , 1700 McClannahan Dr Lots 6-16, Blk D, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0148	1800-1820 Ralph Cox Rd , 11801-12229 and 12220-12224 Buzz Schneider Ln , 1609-1641 Pavelich Pass, 12116- 12124 Verchota Dr Lots 36-96, Blk E, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0149	1701 McClannahan Dr , 1700 Strobel Ln Lots 12-13, Blk F, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0150	12113 Verchota Dr , 1600-1628 Pavelich Pass, 1701 Strobel Ln Lots 4-13, Blk G, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0151	1813-1913 Ralph Cox Rd , 1800-1824 Bill Baker Dr Lots 1-14, Blk J, Rancho Alto Ph I, Doc #200600039
Zoning Case #C14-06-0152	1801-1825 Bill Baker Dr , 1700-1724 O'Callahan Dr Lots 1-14, Blk K, Rancho Alto Ph I, Doc #200600039

C14-06-0144
Tract 2

2.42 ACRES
WALKER WILSON SURVEY NO. 2, ABS. 27
TRAVIS COUNTY, TEXAS
FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WALKER WILSON SURVEY NO. 2, ABSTRACT 27, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO RANCHO ALTO VENTURES, LTD., RECORDED IN DOCUMENT NO. 2005151022 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 2.42 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1" iron pipe found in the south line of a varying width right-of-way of Frate Barker Road, and the east line of a 50 foot right-of-way of Rancho Alto Road, as dedicated in a deed to the Public by Volume 3605, Page 2345 of the Deed Records of Travis County, Texas, for the northwest corner and **POINT OF COMMENCING** of the herein described 2.42 acre tract of land,

THENCE, with the south right-of-way line of said Frate Barker Road, being also the north line of said Rancho Alto tract, S89°24'10"E, a distance of 500 feet to an iron rod found, for the **POINT OF BEGINNING** of the herein described tract,

THENCE, continuing, with the south right-of-way line of said Frate Barker Rd, being also the north line of said Rancho Alto Ventures tract, S89°24'10"E, a distance of 355.35 feet to an iron pipe found, for the NE corner of the herein described tract, being also the NW corner of that certain tract of land described in a deed to D L Herrin, recorded in Doc# 2002090485 of the official public record of Travis County, Texas

THENCE, crossing said Rancho Alto tract, the following three (3) courses and distances, numbered 1 thru three,

- 1 S00°05'02"E, a distance of 295.67 feet to an iron rod found,
- 2 N89°04'51"W, a distance of 360.52 feet to an iron rod found, and
- 3 N00°55'09"E, a distance of 293.63 feet to the **POINT OF BEGINNING** and containing 2.42 Acres of Land

Surveyed by D R R R 10.30.06

DOUGLAS R RUMMEL, JR, R P L S No 5780

Carlson, Brigrance & Doering, Inc.

5501 West William Cannon Drive

Austin, TX 78749

Phone (512) 280-5160



PATH G \DOCS\4142\FN-Ranch Alto Commercial Tract DOC

45 | 44 | 43 | 42 | 41 | 40 | 39 | 38 | 37 | 36

(T)

OLYMPIC HEIGHTS SECTION 2
DOC. NO. 200200216

P.O.C.

P.O.B.

FRATE BARKER ROAD
(VARYING R.O.W.)

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- P O C POINT OF COMMENCEMENT
- P O B POINT OF BEGINNING

50.02'

N89°35'06"W

S89°24'10"E 355.35'

S89°24'10"E
5.00'

293.63'

295.67'

(50' R.O.W.)
RANCHO ALTO ROAD
Vol. 3805 pg. 2345

N00°55'09"E

S00°05'02"E

RANCHO ALTO VENTURES, LTD.
DOC. NO. 2005151022
(50.658 ACRES)

2.42 Acres
COMMERCIAL TRACT

N89°04'51"W 360.52'

D.L. HERRIN, INC. DOC. NO. 2002090485



JIM CRAIG COURT (50')

RANCHO ALTO VENTURES, LTD
DOC. NO. 200600281

(A)



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